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FILED

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SECURITIES AND EXCHANGE COMMISSION.

v.

SMALL BUSINESS CAPITAL CORP., ET AL
DEFENDANTS.

DEFENDANTS.

Case No: CV12-03237-EJD

**FEATHERS' RESPONSE TO
UNITED STATES SECURITIES AND
EXCHANGE COMMISSION MOTION
FOR ADMINISTRATIVE RELIEF
SEEKING A RELEASE OF REAL
PROPERTY FROM ASSET FREEZE AND
INJUNCTIVE PROTECTION (Docket
1125).**

Now here comes SEC seeking relief from this Court, but actually only trying to cover for their past failures or laxity to uphold this Court's orders. FEATHERS states this because SEC cannot, and will not because it cannot, deny it holds knowledge that FEATHERS informed SEC, the court appointed Receiver, and the Receiver's counsel several times prior of FEATHERS' belief that during the past three years third parties were possibly violating this court's injunction by filing recorded Notices of Trustee's Sale on FEATHERS' primary residence, which on appearance violates Orders of this court. Time is of the essence here for FEATHERS to hurriedly reply to SEC'S motion, which it filed on a Friday going into a holiday weekend, even knowing that FEATHERS would not know of the filing until days later when he received a courier delivery the following week, and cannot reply electronically to motions because he was denied that privilege by this Court. At the court's request FEATHERS will produce these numerous emails for the Court, which are not part of this reply.

1 FEATHERS' has had not just one, but on three instances over the past three years a Notice of
 2 Trustee's Sale posted on his home. And yet FEATHERS was ignored by SEC, the Receiver, and the
 3 Receiver's counsel when he brought forth this issue to them. Now, again, third parties have, in
 4 appearance, violated this Court's order by filing a Trustee's Sale Notice on FEATHERS' property
 5 (see Exhibit 1, Docket 13, of FEATHERS' complaint in related case *MARK FEATHERS v. BANK OF*
6 AMERICA, et al, 12-cv-00086-EJD). FEATHERS notified defendant Wells Fargo, who is a loan
 7 servicer for Bank of America, and defendant NBS Default Services, LLC, prior that he believed these
 parties must seek relief on this matter through this court. FEATHERS was ignored by those parties.

8 And, SEC entirely mischaracterizes FEATHERS'S as using this Court's injunction as a
 9 "shield" in its Admin motion (see paragraph 15 of SEC's Admin Motion), and for that SEC should be
 10 sanctioned as the bully that it always is for this false characterization it puts forth in front of this
 11 Court. In his lawsuit, FEATHERS posits the question of a violation of this Court's order, but that
 12 issue is not the primary basis to FEATHERS' lawsuit, which any disinterested party would quickly
 13 realize with a simple reading of FEATHERS' complaint against Bank of America, Wells Fargo Bank,
 14 and NBS Default Services, LLC. This court will make its decision, and inform parties of its decision,
 and should put aside any, and all, of SEC's self-serving comments in its Motion for Admin Relief.

15 On appearance, this Court's injunctive and receivership orders (Docket 34) have been already
 16 violated by Wells Fargo Bank, Bank of America, and NBS Default Services, LLC. FEATHERS
 17 respectfully requests this court for a determination if its Orders have been violated, and if so, consider
 18 that matter in the related case that FEATHERS' has filed for relief in a wrongful foreclosure in *Mark*
19 Feathers v. Bank of America, et al. Further, FEATHERS requests this court allow FEATHERS to
 20 present evidence that SEC, the Receiver, and the Receiver's counsel may have failed their
 21 opportunity to prevent a violation of the Court's order. FEATHERS himself would have requested
 22 relief on this matter in the past, but FEATHERS has always been without counsel, and was not aware
 23 of the legal issues and remedies in front of him, and was also ignored by SEC, the Receiver, and the
 24 Receiver's counsel when he presented these matters to them

25 Dated: January 19th, 2016

Mark Feathers, in Pro Per

26 **Proof of Service:** On this date I have emailed all copies of this pleading to parties of record.

27 **Declaration:** I swear all matters here I believe to be the truth.

Mark Feathers